

Superfund/Oil Program Implementation Manual FY 02/03

Appendix F: Oil Pollution Prevention and Response Program

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Appendix F Oil Pollution Prevention and Response Program

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Oil Pollution Prevention and Response Program

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APPENDIX F

OIL POLLUTION PREVENTION AND RESPONSE

F.A. OIL POLLUTION PREVENTION AND RESPONSE PROGRAM PRIORITIES

F.A.1 OVERVIEW

The Agency shares responsibility with the United States Coast Guard (USCG) and other agencies for implementing major provisions of the Clean Water Act (CWA) and the Oil Pollution Act of 1990 (OPA). EPA will work on finalizing proposed revisions to the Oil Pollution Prevention regulation, also known as the Spill Prevention, Control, and Countermeasure (SPCC) regulation; work with the facilities on ensuring compliance with the SPCC regulation; continue the review, inspection, and approval of facility response plans (FRP); continue the development and improvement of area contingency plans (ACP) and participation in area drills and other exercises; and respond to oil spills, or direct, monitor or support others' responses, in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan, or NCP. In addition, regional offices will assist State Emergency Response Commissions (SERCs), Tribes, and Local Emergency Planning Commissions (LEPCs) in coordinating and linking FRPs with Community Response Plans (CRPs) developed pursuant to the Emergency Planning and Community Right Act of 1986 (EPCRA).

F.A.2 OIL PROGRAM INITIATIVES

In Fiscal Year (FY)02/03, the Office of Solid Waste and Emergency Response (OSWER) will focus on addressing the following: above-ground storage tank/facility leakage and contamination; overseeing the continued implementation of FRPs through review, approvals, inspections and/or conducting unannounced facility drills, overseeing implementation of the oil spill response provisions of the revised NCP; developing and maintaining data systems; improving the Spill Prevention Control and Countermeasures (SPCC) Program; conducting EPA-lead area exercises and participating in industry-lead inland area exercises; and enhancing coordination within and between government agencies. These initiatives, which will improve response and enforcement activities related to oil spills and leaks, are described in more detail in the remainder of this section.

a. Addressing Above-Ground Storage Facility (ASF) Leakage and Contamination

In FY 96, the Agency completed a study to determine whether liners or other secondary containment means will help prevent and detect leaks at above-ground storage facilities. As a result of this study and related research, the Agency will propose initiation of a cooperative program for industry, States, and environmental groups to investigate existing contamination, current facility design and procedures, and possible initiatives for contamination prevention and cleanup. EPA will also seek to initiate a pilot program while the proposal is pending.

b. Implementing FRPs

The OPA of 1990 requires that certain facility owners and operators prepare plans to respond to worst-case discharges of oil or a substantial threat of such a discharge. Owners/operators of such "substantial harm facilities" must submit their plans or stop handling, storing, or transporting oil. To ensure that such plans are implemented and response readiness maintained, OSWER will engage in the following activities:

- ***Coordinate with the Office of Enforcement and Compliance Assurance (OECA) on Oil Program Enforcement of the Spill Prevention Control and Countermeasures (SPCC)/FRP Rule*** — The primary goal of this initiative is to ensure that Program regulations, policy, implementation, and enforcement are consistently applied and support the same basic program objectives.

- ***Implement Inspector Training to Ensure Consistent Implementation and Enforcement of the SPCC Prevention and Response Program*** — The goal is to give training to all EPA regions to achieve nationally consistent inspection of SPCC and FRP facilities.
- ***Develop Preparedness Response Exercise Program (PREP) Guidance/Scheduling*** — To ensure that facilities are able to fully implement their FRPs, the OPC will provide guidance on procedures and scheduling of periodic exercise sessions during which a facility puts into practice its FRP and ensures its effectiveness.
- ***Continue to Review FRPs and Inspect Facilities*** — Inspections of facilities and FRPs will continue. FRPs submitted after 2/18/93 will have to be reviewed, inspected, and approved. The periodic cycle of review and approval of the FRP also will continue. The OPC also may observe internal facility drills/exercises.

c. Implementing the NCP

The revised NCP of 1994 implements several new regulations that directly affect the policies and procedures governing the Oil Program. The NCP also redefines the roles and responsibilities of several program offices within the Oil Program. These new regulations include a revision of Subpart J, which outlines technical requirements for chemical countermeasures, approval, and use on oil spills. They also include requirements for ACPs that ensure efficient responses to potential worst-case oil spills or discharges. The Oil Spill Program will have an integral role in the implementation of Subpart J and the monitoring of ACPs, and will be assisted by several other offices in these efforts. The following activities will be implemented as a result of the revised NCP:

- ***Response*** — In accordance with the NCP, EPA will respond to all oil spills to U.S. waters in the Inland Zone that are beyond the response capabilities of the Responsible Party and the State or local responders, or that otherwise require a Federal response. In addition, EPA will monitor or direct the response by others, as appropriate, or provide various types of technical and response support.
- ***Subpart J*** — Subpart J of the NCP requires EPA to prepare a product schedule of dispersants, chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out the NCP. Regional Response Teams (RRTs) and Area Committees (ACs), whose members are appointed by the President and consist of personnel from qualified Federal, State and local agencies, will address as part of their planning activities the desirability of using dispersants, surface washing agents, surface collecting agents, bioremediation agents, or miscellaneous spill control agents such as those listed on the NCP product schedule. This effort requires submission of effectiveness and/or toxicity testing for all product categories currently listed on the NCP product schedule. The Oil Program conducts validation testing for all dispersants.

The OPC is responsible for coordination, correspondence, and product review in support of Subpart J initiatives. In addition to this role, the OPC provides outreach to vendors, RRTs, and the general public regarding the use of chemical countermeasures.

- ***Enhance the OPC's Involvement in Area Planning*** — The OPC works with the Chemical Emergency Preparedness and Prevention Office (CEPPO) by monitoring area contingency planning efforts to ensure that they are providing the necessary link between the FRPs and the NCP, and that all contingency plans are coordinated to control a worst-case discharge of any size. OPC and CEPPO will ensure that plans are integrated and compatible, to the greatest extent possible, with all appropriate response plans of State, local, and non-Federal entities, and especially with Title III local emergency response plans.

d. Developing and Maintaining Data Systems

The availability of complete and comprehensive data on oil spill incidents and facilities is an integral component of the Oil Program's planning and response efforts. During the upcoming year, the Oil Program will focus its efforts in this area on the further development of pilot projects may lead to a new comprehensive Oil Program database that records and track information on incidents (spills) and facilities. The program also will continue to maintain the current Emergency Response Notification System (ERNS), so that release notification information on oil and hazardous substances can be accessed quickly and efficiently. To achieve these goals, the Oil Program will engage in the following activities:

- **Collection of Environmental Data** — Oil Spill Program will continue to assist the regions in gathering spatial data for area contingency planning purposes. This data will include environmentally sensitive areas, such as wetlands, drinking water intakes, endangered species locations and other similar areas. Oil Spill Program also will work with the regions to incorporate this data and other spatial data, such as facility locations and spill locations, into a useable geographic information system (GIS) format, for both planning and response support purposes.
- **Develop Oil Information Management tools** — The Oil Program information system will be developed for the purpose of recording and tracking information on Oil Program actions at a site-specific level. The information system will interface with CERCLIS as necessary, and will be used primarily by the regions to facilitate the flow of information within and between regions. The system also will likely interface with some of the GIS applications described above.
- **Enhance and Maintain ERNS** — ERNS provides the most comprehensive data compiled on release notification of oil and hazardous substances nationwide. Information should be recorded in ERNS when a release is initially reported; when more specific data is verified, more detailed data on the spill should be entered into the system. NOTE: The Headquarters oversight of ERNS has been transitioned to the Superfund program.

e. Improving the SPCC Program

The owners/operators of any facility subject to oil pollution prevention regulations are required to prepare and implement a SPCC plan. Plans must detail the procedures put into place to prevent and control oil spills. To ensure that such plans are developed and adhered to, the Office of Emergency and Remedial Response (OERR) will engage in the following activities:

- **Facilitate Regional Consistency** — The Oil Program is working to facilitate consistency among the regions in their implementation of SPCC inspections. (See the discussion on FRPs earlier in the chapter.)
- **Provide Regional Outreach** — Regional outreach efforts will be in the form of Headquarters (HQ) support of the regions' efforts to successfully implement their oversight of the SPCC program.
- **Reduce Paperwork Burden** — In FY 98, the Agency proposed revisions to reduce the SPCC paperwork burden by over 25%. In FY 99, OPC will work on finalizing this proposal, as well as 1991 and 1993 proposed prevention provisions.

f. Coordinating with Other Agencies

The success of the Oil Program relies heavily on the continued cooperation of several different agencies including the United States Coast Guard (USCG), the Department of Transportation (DOT), the Minerals Management Service (MMS), the National Oceanic and Atmospheric Administration (NOAA), and the Department of the Interior (DOI). Cooperation among these agencies ensures the efficient implementation of the NCP and FRP rule. To better instill this

cooperation, a national bulletin board that will provide a means to share information on oil spill prevention and responses will be developed, a Memorandum of Understanding (MOU) with the USCG will be prepared, and model MOUs for regions/States will be developed.

F.A.3 OIL SPILL PREVENTION AND CLEANUP ACTIVITIES

HQ and the regions will continue to work to decrease the environmental damage caused by oil spills. The following measures will be taken in an effort to prevent oil spills:

- ***Targeting Inspections at the Higher Risk Facilities*** — Where inspections disclose violations, enforcement actions will be taken in an effort to prevent problems before they occur.
- ***Increasing the Amount of Cost Recovery Documentation*** submitted to NPFC following completion of spill response efforts.
- ***Planning and Conducting Responses to Oil Spills*** — Response actions will be conducted with the goal of minimizing pollution and subsequent environmental damage, including increasing the number of removal orders issued.
- ***Increasing the Number of Enforcement Penalty Actions*** taken as a result of oil or hazardous substances discharge.
- ***Evaluating the Agency's Response to Spills*** to determine the most appropriate response to spills of varying severity.
- ***Improving the Science of Oil Spill Response Through Efforts with Other EPA Offices and Industry Groups to Sponsor Such New Technologies as In-Situ Oil Burning and Surface Cleaning Agents*** — The Oil Program will work through the National Response Team (NRT) to address national oil issues including participation in the Science and Technology, Preparedness, and Response Committees. The OPC will participate in special projects/reports such as a proposal for the review and approval of response plans to be done by the Federal On-Scene Coordinator (OSC) with jurisdiction for response.

F.B. OIL POLLUTION PREVENTION AND RESPONSE PROGRAM PLANNING AND REPORTING REQUIREMENTS

F.B.1 OVERVIEW

In FY 02/03, the Oil Pollution Prevention and Response Program will continue to work on the further refinement of its planning, prevention, and response activities and incorporation of these activities into the existing National Response System (NRS) framework.

F.B.2 NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

The cornerstone of the Oil Program's planning activities is the revised NCP, which outlines procedures and responsibilities for addressing potential oil and hazardous substance spills and discharges. This plan coordinates with, and is bolstered by, a number of similar Federal contingency plans, all of which are capable of handling "worst case discharges" of varying sizes and magnitudes. Exhibit F.1 displays the relationship of the Oil Pollution Prevention and Response Program plans and their relationship with the NCP.

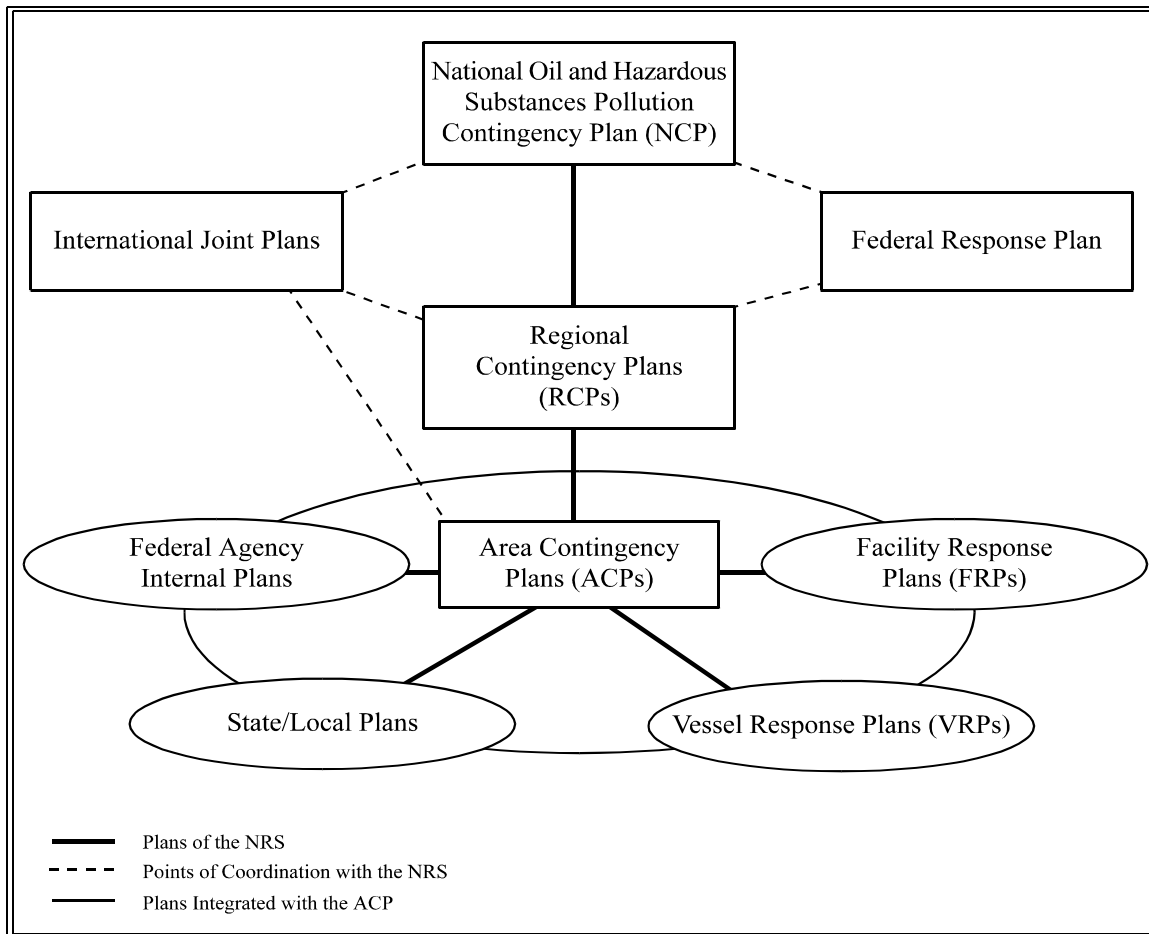
F.B.3 REGIONAL CONTINGENCY PLANS

The regions' plans for oil and hazardous waste spill responses are outlined in Regional Contingency Plans (RCPs). RCPs are developed by Regional Response Teams (RRTs) in conjunction with the States, and provide for timely, effective, and coordinated responses to oil and hazardous waste spills by various Federal agencies and other governmental organizations. In addition, RCPs must follow the format and the intent of the NCP and be coordinated with State Emergency Response Plans (SERPs), ACPs, and the Local Emergency Response Plans (LERPs) provided for under Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

F.B.4 AREA CONTINGENCY PLANS

ACPs are locality-specific oil and hazardous waste spill response plans. All ACPs are under the supervisory authority of a federally appointed OSC, and are formulated by a body known as an Area Committee (AC). The ACs work in conjunction with the appropriate RRTs, Coast Guard District Response Groups (DRGs), the National Strike Force Communication Center (NSFCC), Scientific Support Coordinators (SSCs), LEPCs, SERCs, and Tribes to ensure consistency and prevent duplication of response efforts and responsibilities. The ACP also should be implemented in conjunction with provisions of the NCP and be effective in responding to a worst case discharge and mitigating or preventing a substantial threat of such a discharge from a vessel or facility operating within or near the area. The OSC may conduct emergency response drills to ensure that existing contingency plans and mechanisms are effective in dealing with a potential worst case discharge.

EXHIBIT F.1
RELATIONSHIP OF OIL POLLUTION PREVENTION AND RESPONSE PROGRAM PLANS



F.B.5 FEDERAL RESPONSE PLAN

If and when an oil or hazardous material spill is declared a national disaster by the President, the Federal Response Plan is the instrument used to ensure effective response and cleanup. The Federal Response Plan is an agreement signed by the 27 Federal departments and agencies responsible for responding to oil and hazardous waste spills. It is implemented only when an existing discharge is beyond the capabilities of the State and local authorities and/or the statutory authority of Federal agencies. Interagency Agreements (IAGs) may be utilized when necessary to ensure that Federal resources will be available for a timely response to a discharge or release.

There are also several smaller governmental plans and organizations that play an integral role in the NRS. SERCs are responsible for designating emergency planning districts, appointing LEPCs for each district, and supervising the creation of LERPs in accordance with Title III, Section 303 of SARA. LERPs should be reviewed and updated at least once a year to ensure their accuracy and effectiveness. The SERCs and LEPCs also are responsible for receiving and processing information requests from the public regarding discharges or subsequent response actions. CRPs set forth provisions and guidelines for communication within and between communities in the event of a spill or discharge. These plans should be coordinated as closely as possible with other response plans and ensure fluid transfer of necessary information from the lead agency to the members of the local community.

The final components of the NRS are the SPCC Plans, FRPs, and Vessel Response Plans (VRPs), produced by owners or operators of facilities or vessels that are subject to the OPA. All owners and operators of OPA regulated facilities must produce and implement a SPCC plan, which outlines procedures for preventing and controlling oil spills. FRPs, which focus on reactive measures, such as how facility personnel are to respond to a discharge, are not required unless it is deemed that a specific facility could cause "substantial and or significant harm" to the surrounding environment. FRPs must be consistent with the NCP as well as with the appropriate RCPs and ACPs, and must be updated periodically to ensure effective response. Finally, all "tank vessels," as defined by section 311(j)(5) of the Clean Water Act (CWA) (as amended), must prepare and submit a VRP for responding to a worst case discharge, or to a substantial threat of such a discharge of oil or hazardous substances.

An NCP product schedule must be kept for all dispersants, surface washing agents, surface collecting agents, bioremediation agents, and miscellaneous oil spill control agents that may be used in mitigating oil and hazardous substance spills. Under Subpart J of the NCP, effectiveness testing and/or revised toxicity testing are required for all product categories listed on the NCP product schedule.

F.B.6 COMMUNICATIONS REQUIREMENTS ASSOCIATED WITH A RELEASE

The National Response Center (NRC), located at USCG HQ, is the national communications center for handling activities related to oil response actions. It acts as the single point of contact for all pollution incident reporting, and as the NRT communications center. Any oil spills or discharges must be reported by telephone to the NRC. The NRC is responsible for notifying the appropriate Federal OSC and any participating NRT member agencies of the release, and communicating all of the information that it has received to ensure that an appropriate response may be implemented. All of the information received from the initial notification report also must be entered into ERNS. This information can then be used by decision makers to solve emergency response and release prevention issues. When notification information is verified, more detailed data on the release should be added to ERNS. ERNS also can be accessed by enforcement personnel to determine whether or not timely notification of spills have been reported.

Specific reporting requirements must be met to ensure efficient communication and coordination during response actions. The Federal OSC must report any significant developments that occur during response actions to the RRT and other appropriate agencies through communications networks or other pre-approved channels. This information should be made available to the trustees of affected natural resources so that they remain informed during the course of the response action. The OSC also is required to produce (if the RRT or NRT deems it beneficial) a more detailed report on the removal actions taken, resources committed (financial and manpower), and problems encountered in responding to the spill or discharge. This report should be submitted first to the RRT, and then subsequently to the NRT within 30 days of its initial submission. In addition, Title III of SARA requires the reporting of information, as it becomes available, to community representatives that have a stake in the response actions. Two of the more commonly used mechanisms for ensuring compliance with Title III requirements are the establishment of a Joint Information Center, and/or an on-scene news office to report important developments as they occur. After the appropriate response action has been implemented, the lead agency is responsible for preparing a report that details the source of the release, PRP involvement, and the impacts or potential impacts on human health, welfare, and the environment posed by the discharge or spill.

F.C. OIL POLLUTION PREVENTION AND RESPONSE PROGRAM FINANCIAL MANAGEMENT

F.C.1 OVERVIEW

The CWA, as amended by the OPA, established a dedicated trust fund for EPA to use for implementing many OPA provisions. The USCG administers the trust fund. The oil budget, which includes oil spill prevention, preparedness, and response is (like the Superfund budget) multi-year money that conform to the Agency's administrative and programmatic budget structure.

F.C.2 BUDGET FORMULATION

The Oil Program's budget formulation process begins approximately 20 months before the budget execution year. Currently, the Oil Program establishes and defines its goals and initiatives for the budget year in support of the Agency's strategic plan. In line with Agency guidance, the Oil Program also develops a budget strategy to achieve these goals and establish success. Examples include the number of oil spill cleanups.

F.C.3 OPERATING PLAN DEVELOPMENT

Once the Agency receives the Oil Program appropriation, development of the finalized operating plan begins. The appropriated resources are allocated to Oil Program activities, including response and regulatory support, enforcement, emergency response teams, and prevention.

F.C.4 BUDGET EXECUTION

During the budget execution year, regions request programmatic funds for specific oil spill activities including:

- Responding to oil spills, monitoring private party responses, and investigation oil spill notifications;
- Conducting SPCC inspections including plan reviews, site visits, and follow-up;
- Participating in SPCC/FRP Inspector Training in regions as students and instructors;
- Reviewing FRPs to ensure safety and compliance and to provide early identification of potential oil spill dangers;
- Inspecting FRP facilities for plan implementation as part of the 5-year review cycle;
- Providing technical assistance to the USCG in response to coastal oil spills; and
- Performing and participating in ACP drills through PREP.

HQ reprograms the funds for regional expenditure based on required requests. Oil spill activities also are performed by and funded directly out of HQ for such purposes as:

- Promoting bioremediation implementation with the regions.

As the budget execution year closes, the Oil Program uses actual obligations as the framework for developing the next year's budget to ensure that the formulation process closely reflects program trends.

F.D. OIL POLLUTION PREVENTION AND RESPONSE PROGRAM FY 02/03 MEASURE

F.D.1 OVERVIEW

The following pages contain the definitions of the FY 02/03 Oil Pollution Prevention and Response Program measures. The measures are grouped under the following three program areas: Prevention/Preparedness; Response; or Enforcement. Exhibit F.2 displays these Oil Program actions and indicates the program area grouping under which each measure falls. All Oil Program measures are reported quarterly on a site- or facility-wide basis. Oil Program measures are not reported site-specifically.

EXHIBIT F.2 FY 02/03 OIL POLLUTION PREVENTION AND RESPONSE PROGRAM ACTIONS

Measure Name	Program Area
Spill Prevention, Control, and Countermeasure (SPCC) Inspections and Plan Reviews	Prevention/Preparedness
SPCC Facilities in Compliance	Prevention/Preparedness
Oil Facility Response Plans Reviewed and Approved	Prevention/Preparedness
PREP Area Drills	Prevention/Preparedness
Oil Spill Notifications/Evaluations	Response
Oil Spill Response & Monitoring	Response
Cost Documentation	Response
Administrative Penalty Enforcement Actions for Spill Violations and Prevention Regulation Violations	Enforcement
Judicial Enforcement Actions for Spill Violations and Prevention Regulation Violations	Enforcement
Orders for Removal Issued to a Responsible Party	Enforcement

F.E. OIL POLLUTION PREVENTION AND RESPONSE PROGRAM DEFINITIONS

F.E.1 PREVENTION MEASURES:

a. SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) INSPECTIONS AND PLAN REVIEWS

Definition:

For this measure, SPCC inspections and plan reviews include two separate measures: (1) site inspections and (2) SPCC plan reviews performed by EPA and/or the support contractors. For both actions listed below, each separate facility or SPCC plan will count as a single credit, no matter how extensive or complex the facility is.

Definition of Accomplishment:

Two actions are counted separately for SPCC inspections (Target/Measure Name = SPCC Inspections):

- Site inspection, which may include separate counts for an initial visit and for a follow-up compliance inspection; or
- The completion of the review of a written SPCC plan, as documented by the submittal of correspondence to a facility regarding the review of the SPCC plan.

Changes in Definition FY 01 - FY 02/03:

Change in Definition.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of inspections and plan reviews are reported non-site specifically in CERCLIS.

b. SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) FACILITIES IN COMPLIANCE

Definition:

For this measure, SPCC inspections include site inspections performed by EPA and/or the support contractors. Each separate facility will count as a single credit, no matter how extensive or complex the facility is.

Definition of Accomplishment:

The SPCC Plan is in compliance with the SPCC requirements of the Oil Pollution Prevention Regulation, and the SPCC Plan has been fully implemented at the facility.

Changes in Definition FY 01 - FY 02/03:

None

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of facilities in compliance is reported non-site specifically in CERCLIS.

F.E.2 PREPAREDNESS MEASURES:***a. OIL FACILITY RESPONSE PLANS REVIEWED AND APPROVED*****Definition:**

Under the OPA, facilities that store oil and have the potential to cause “substantial harm” to the environment must prepare a response plan for a worst-case discharge. The subset of those facilities that have the potential to cause “significant and substantial harm” to the environment require review and approval by EPA, although all facilities may be reviewed by EPA. This measure counts the number of oil Facility Response Plans (FRPs) reviewed and approved by the region.

Definition of Accomplishment:

The initial evaluation, detailed review, site inspection, and approval of one response plan will each be counted separately (Target/Measure Name = Facility Response Plan Review).

FRP Review/Approval: This accomplishment is complete when the region has completed the review of the FRP (date of the first piece of correspondence from EPA to the facility after completion of a review checklist or equivalent level of review), conducted a site inspection and/or unannounced drill (date of each site visit made as part of a FRP review, as recorded in site files or inspection report), and formally approved the FRP (date of the letter from EPA to the facility approving the response plan).

Changes in Definition FY 01 - FY 02/03:

Deleted “Initial Evaluation” section and combined other three measures: “Detailed Review, FRP Site Inspections, and Final Approval”. Also changed the grouping of measures.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of response plans evaluated, reviewed, and approved are reported non-site specifically in CERCLIS.

b. PREPAREDNESS FOR RESPONSE EXERCISE PROGRAM (PREP) AREA DRILLS**Definition:**

OPA requires periodic drills and exercises of Area Contingency Plans (ACPs) and Facility Response Plans (FRPs). To help satisfy this requirement, EPA leads or participates in a variety of drills under the National Preparedness for Response Exercise Program (PREP) guidelines. These drills include a facility-initiated drills, EPA-lead Area-wide drills, and Area-wide drills led by other agencies or industry.

Definition of Accomplishment:

This action is counted for any PREP-based or equivalent drill participated in by EPA. The action will be credited by a letter, form, or memo documenting EPA’s participation in the drill.

Changes in Definition FY 01 - FY 02/03:

Change in Definition and Definition of Accomplishment by combining all drills into one measure.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of PREP Area Drills are reported non-site specifically in CERCLIS.

F.E.3 RESPONSE MEASURES:

a. OIL SPILL NOTIFICATIONS/EVALUATIONS

Definition:

EPA receives notifications, typically from the National Response Center, of oil discharges into the inland zone. EPA must evaluate each of these notifications to determine what response, if any, is appropriate, and to ensure that the response is undertaken by the responsible party, local or State agency, or EPA. This measure includes the number of oil spill notifications received and evaluated by EPA.

Definition of Accomplishment:

An oil spill notification and evaluation is counted when a report of an oil spill is received and evaluated by EPA and documented through a spill notification report and/or ERNS entry.

Changes in Definition FY 01 - FY 02/03:

Changed title, Definition, and Definition of Accomplishment to reflect that each notification must be evaluated by EPA to determine that an appropriate response is taken.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of oil spill notifications is reported non-site specifically in CERCLIS.

b. OIL SPILL RESPONSE & MONITORING

Definition:

This measure is defined as **either** an oil spill cleaned up by EPA using OPA response funds **or when EPA uses OPA and CWA §311 authority to provide oversight and technical assistance to PRPs or other Federal, State, or local agency responses to oil spills**. A single incident should be counted only once regardless of how many times an EPA OSC goes back on-scene or how many phases the response entails.

Definition of Accomplishment:

Oil Spill Cleanup Start Date: Date the contract modification, delivery order, or Pollution Reimbursement Funding Authorization for an oil spill cleanup at a site is signed (Target/Measure Name = Oil Spill Cleanup Starts).

Oil Spill Monitoring/Directing: The issuance of the first POLREP at a spill where the PRPs or other Federal, State, or local agencies are performing a response will be considered the start of a monitoring/directing action activity (Target/Measure Name = Oil Spill Monitoring/Directing).

Changes in Definition FY 01 - FY 02/03:

The measures 'Oil Spill Cleanups' and 'Oil Spill Monitoring/Directing' have been combined into this one measure.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of oil spill cleanups started are reported non-site specifically in CERCLIS. The number of spills where EPA is providing oversight and technical assistance is reported non-site specifically in CERCLIS.

c. COST DOCUMENTATION**Definition:**

In conducting responses to oil spills, the Agency can access the Oil Spill Liability Trust Fund's (OSLTF) emergency response allocation, which is managed by the U.S. Coast Guard (USCG). Based on EPA's agreements with USCG, the Agency must submit cost documentation packages within a reasonable amount of time after the completion of the oil spill response, and sometimes submit interim reports based on the duration of the response and the ends of fiscal years. This measure counts as two actions: how many times the region accessed the OSLTF [based on Federal project numbers (FPNs) issued]; and how many cost documentation packages the region prepared and submitted to the Cincinnati financial office. Although the account numbers established and cost documentation packages may not match the FPNs issued one-for-one, this measure will provide a good indicator of progress toward submitting the required documentation.

Definition of Accomplishment:

For this measure, two actions are counted:

- Number of FPNs issued to the region (date FPN issued) (Target/Measure Name = Federal Project Number Issued); and
- Number of cost documentation packages the region prepared and submitted to the Cincinnati financial office (date package submitted) (Target/Measure Name = of Cost Docm Pkge Issued).

Changes in Definition FY 01 - FY 02/03:

None

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of FPNs issued and cost documentation packages submitted are reported non-site specifically in CERCLIS.

F.E4 ENFORCEMENT MEASURES:***a. ADMINISTRATIVE PENALTY ENFORCEMENT ACTIONS FOR SPILL VIOLATIONS AND PREVENTION REGULATION VIOLATIONS*****Definition:**

Administrative enforcement actions are taken by the region as a result of violations of Section 311(b)(3) and 311(j) of the Clean Water Act.

Definition of Accomplishment:

Date that the complaint is filed in the administrative docket (Target/Measure Name = Administrative Penalty Enforcement Actions for Spill Violations and Prevention Regulation Violations).

Changes in Definition FY 01 - FY 02/03:

None

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of complaints filed is reported non-site specifically in CERCLIS.

b. JUDICIAL PENALTY ENFORCEMENT ACTIONS FOR SPILL VIOLATIONS AND PREVENTION REGULATION VIOLATIONS

Definition:

Judicial enforcement cases are initiated by the regions in response to violations of Section 311(b)(3) and 311(j) of the Clean Water Act.

Definition of Accomplishment:

Date of the letter or memo referring the case to the Department of Justice (DOJ) (Target/Measure = Judicial Penalty Enforcement Actions for Spill Violations and Prevention Regulation Violations).

Changes in Definition FY 01 - FY 02/03:

None

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of judicial referrals is reported non-site specifically in CERCLIS.

c. ORDERS FOR REMOVAL ISSUED TO A RESPONSIBLE PARTY

Definition:

This measure counts the number of Administrative Orders (AO) for removal issued to a party under Section 311 of the Clean Water Act.

Definition of Accomplishment:

An order is counted on the date it is signed by the appropriate Regional official (Target/Measure = Orders for Removals Issued to a Responsible Party).

Changes in Definition FY 01 - FY 02/03:

None

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of orders issued is reported non-site specifically in CERCLIS.

F.F SUBJECT MATTER EXPERT

The following table identifies the subject matter expert for Appendix F.

EXHIBIT F.3 SUBJECT MATTER EXPERTS

Subject Matter Expert	Subject Area	Phone #
Dave Evans	Oil Prevention and Response Program	703-603-8885
Lori Lee	Oil Prevention and Response Program	703-603-8866
David Lopez	Oil Prevention and Response Program	703-603-8706

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